IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1006 OF 2006
IN
CRIMINAL APPEAL NO.1343 OF 2003

Nazim Hasam Shamsu Zoha
Rizvi @ Rajasaab ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri Sayaji D. Nangre for the Applicant.

Shri Rajesh More, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 03, 2006.

P.C.:

1. Heard the Advocates appearing for the parties.

While enlarging the Applicant on bail by the order dated 18th December, 2003 this court has imposed a condition directing the Applicant not to leave jurisdiction of this court without permission of this court. The present application has been filed seeking permission to travel to Delhi for a period of 15 days. My attention has been invited to orders dated 01st October, 2004, 02nd December, 2004, 15th April, 2005 passed by this court earlier by which the Applicant was permitted to travel outside the city of Mumbai. The learned A.P.P. has submitted to the order of this court in view of the aforesaid orders.

2. The Applicant has filed undertaking dated 25th September, 2006. In paragraph Nos.1 to 4 of the said undertaking he has stated thus:

> "1. I submit that during my stay at Delhi, I shall be residing at my brother's place, the address is as follows:
>
> Mehboob Rizvi,
> 144-22/23, R.N.Compound,
> Khureji,
> Delhi-110 051
> Tel: 011-22548592
>
> 2. I undertake to report to the nearest police station i.e. Preet Vihar Police Station, Khureji, Delhi.
>
> 3. I undertake to return to Mumbai on 14.10.2006.
>
> 4. I undertake to report to the office of DCB, CID Unit I before my departure from Bombay to Delhi and after my arrival from Delhi".

3. In view of the earlier orders passed by this court and in view of the fact that no allegation has been made regarding any breach by the Applicant of the conditions imposed by this court while passing earlier orders by which he was permitted to leave jurisdiction of this court, a case is made out for grant of permission. Undertaking of the Applicant which is referred to above is accepted.

4. Hence, Application is disposed of by passing following order:

(i) Application is allowed.

(ii) The Applicant is permitted to leave Mumbai on 04th October, 2006 for visiting Delhi on the condition that he will return to Mumbai on or before 19th October, 2006.

(iii) The permission is granted subject to condition that the Applicant will report to Preet Vihar Police Station, Khureji, Delhi once in a week and will report to the Crime Branch, Mumbai immediately after his return to Mumbai.

(iv) Before leaving city of Mumbai, the Applicant will furnish a copy of itinerary to the Crime Branch, Mumbai.

(v) The Applicant will file a fresh undertaking in terms of the undertaking which is already on record before leaving Mumbai.

(vi) Failure to comply with any of the conditions may have consequence of cancellation of bail.

(vii) Parties to act upon an authenticated copy of this order.

JUDGE